

CLASSIFICATION OFFICE DECISION

Title of publication: day_of_sailing_1.jpg

Other known title(s): Not stated

OFLC ref: 1100091.032

Medium: Computer Image File Printout

Publisher: Not stated

Country of origin: Not stated

Language: Not applicable

Applicant: Commissioner of Police

Classification:	Unrestricted.
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Descriptive note: None

Display conditions: None

Date of entry in Register: 31 March 2011

Date of direction to issue a label: No direction to issue a label has been issued

Summary of reasons for decision:

The computer image file printout is unrestricted.

The printout cannot reasonably be regarded as sexual in nature. The image shows a naked girl in her early teens taking part in outdoor activity. The girl is clearly comfortable with her nudity. It is likely that the photograph is a snapshot taken during a naturist gathering. There are no elements that might encourage a different reading. A viewer's predisposition to regard any image of nudity as having a sexual meaning may result in a sexual interpretation, but to others the image simply depicts a young person engaging in activity in a setting where their nudity appears appropriate.

There are no sexual elements in the image and it raises no issues under s3(1), s3A or s3B of the Films, Videos, and Publications Classification Act 1993. The printout must, therefore, be classified as unrestricted. This classification is consistent with the right to freedom of expression as set out in s14 of the New Zealand Bill of Rights Act 1990.